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Mark: SHRIMP TANGLERS

SHRIMP TANGLERS

US Serial Number: 86740191

Application Filing Date: Aug. 28, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Appeal of Refusal Pending

An appeal of the Office's final refusal to register a pending trademark application is currently pending.

Status: An appeal of a final refusal to register the mark is pending before the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Oct. 12, 2016

Mark Information

Mark Literal Elements: SHRIMP TANGLERS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "SHRIMP"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Prepared seafood for consumption on or off the premises

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Popeyes Louisiana Kitchen, Inc.

Owner Address: Suite 1000
400 Perimeter Center Terrace

Atlanta, GEORGIA UNITED STATES 30346

Legal Entity Type: CORPORATION

State or Country MINNESOTA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christiane S. Campbell

Docket Number: E4833-09754

Attorney Primary Email Address: tdmkatlanta@duanemorris.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: CHRISTIANE S CAMPBELL
DUANE MORRIS LLP
30 SOUTH 17TH STREET
PHILADELPHIA, PENNSYLVANIA UNITED STATES 19103

Phone: 215-979-1817

Fax: 404-253-6901

Correspondent e-mail: tdmkatlanta@duanemorris.com ccampbell@duanemorris.com
emorris.com ipdocketing@duanemorris.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 12, 2016	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Oct. 12, 2016	EX PARTE APPEAL-INSTITUTED	740191
Oct. 12, 2016	JURISDICTION RESTORED TO EXAMINING ATTORNEY	740191
Oct. 12, 2016	EXPARTE APPEAL RECEIVED AT TTAB	
Apr. 12, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Apr. 12, 2016	FINAL REFUSAL E-MAILED	
Apr. 12, 2016	FINAL REFUSAL WRITTEN	67659
Mar. 17, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 16, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 16, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 16, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 16, 2015	NON-FINAL ACTION E-MAILED	6325
Sep. 16, 2015	NON-FINAL ACTION WRITTEN	67659
Sep. 16, 2015	ASSIGNED TO EXAMINER	67659
Sep. 01, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 01, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: WELLS, KELLEY L

Law Office Assigned: LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING ATTORNEY ASSIGNED

Date in Location: Apr. 12, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Applicant: Popeyes Louisiana Kitchen, Inc.

Assignment 1 of 1

Conveyance: NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: [5715/0097](#)

Pages: 6

Date Recorded: Jan. 25, 2016

Supporting Documents: [assignment-tm-5715-0097.pdf](#)

Assignor

Name: [POPEYES LOUISIANA KITCHEN, INC.](#) Execution Date: Jan. 22, 2016
Legal Entity Type: CORPORATION State or Country: MINNESOTA
Where Organized:

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT](#)
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country: UNITED STATES
Where Organized:
Address: 1700 LINCOLN STREET, 3RD FLOOR
MC: C7300-033
DENVER, COLORADO 80203

Correspondent

Correspondent Name: MOORE & VAN ALLEN PLLC
Correspondent Address: 3015 CARRINGTON MILL BOULEVARD
SUITE 400
MORRISVILLE, NC 27560

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Exparte Appeal

Proceeding Number: [86740191](#) Filing Date: Oct 12, 2016
Status: Pending Status Date: Oct 12, 2016
Interlocutory Attorney:

Plaintiff(s)

Name: Popeyes Louisiana Kitchen, Inc.
Correspondent Address: CHRISTIANE S CAMPBELL
DUANE MORRIS LLP
30 SOUTH 17TH STREET
PHILADELPHIA PA UNITED STATES , 19103
Correspondent e-mail: ccampbell@duanemorris.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHRIMP TANGLERS	Ex Parte Appeal Pending	86740191	

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Oct 12, 2016	
2	Appeal Acknowledged; Case Remanded	Oct 12, 2016	
3	INSTITUTED	Oct 12, 2016	

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86740191
LAW OFFICE ASSIGNED	LAW OFFICE 118
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86740191/large
LITERAL ELEMENT	SHRIMP TANGLERS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
In an Official Action dated April 12, 2016, the Office finally refused registration of Applicant's SHRIMP TANGLERS mark, on the basis of an alleged likelihood of confusion with McCain Foods' ONION TANGLERS registration. Based on the differences in the sight, sound, and meaning of the parties' marks; the distinct trade channels through which the underlying goods are marketed and sold; the different consumers to whom the underlying goods are marketed and sold; and the fact that there is simply no competition between a wholesale vegetable product on one hand, and a national chain QSR meal item on the other, Applicant maintains its arguments that consumer confusion is not likely. Consistent with this position, Applicant is seeking - and anticipates obtaining - a letter from the prior registrant and owner of the ONION TANGLERS registration (McCain Foods), granting consent to Applicant's registration of its SHRIMP TANGLERS mark. Applicant believes that receipt of such consent is imminent.	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Christiane S. Campbell/
SIGNATORY'S NAME	Christiane S. Campbell
SIGNATORY'S POSITION	Attorney of Record, Member NJ and PA Bars
SIGNATORY'S PHONE NUMBER	2159791817
DATE SIGNED	10/12/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Oct 12 14:10:30 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.XX.XXX-2 0161012141030306285-86740 191-570222cf79c976a1153c6 a06b4a36e5ef06d5ca5921caf 6c96619a4dbacbb79a8-N/A-N /A-20161012132651439298

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86740191** SHRIMP TANGLERS(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86740191/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

In an Official Action dated April 12, 2016, the Office finally refused registration of Applicant's SHRIMP TANGLERS mark, on the basis of an alleged likelihood of confusion with McCain Foods' ONION TANGLERS registration. Based on the differences in the sight, sound, and meaning of the parties' marks; the distinct trade channels through which the underlying goods are marketed and sold; the different consumers to whom the underlying goods are marketed and sold; and the fact that there is simply no competition between a wholesale vegetable product on one hand, and a national chain QSR meal item on the other, Applicant maintains its arguments that consumer confusion is not likely. Consistent with this position, Applicant is seeking - and anticipates obtaining - a letter from the prior registrant and owner of the ONION TANGLERS registration (McCain Foods), granting consent to Applicant's registration of its SHRIMP TANGLERS mark. Applicant believes that receipt of such consent is imminent.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Christiane S. Campbell/ Date: 10/12/2016

Signatory's Name: Christiane S. Campbell

Signatory's Position: Attorney of Record, Member NJ and PA Bars

Signatory's Phone Number: 2159791817

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86740191

Internet Transmission Date: Wed Oct 12 14:10:30 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2016101214103030

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